

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIAN MA, KUNG FU NOODLE, INC.,
PENG LIU, and GRANDMA'S
KITCHEN, INC.,

Plaintiffs,

-v.-

ISABELLA CASILLAS GUZMAN,
Administrator of the Small Business
Administration,

Defendant.

21 Civ. 5653 (KPF)

ORDER OF SERVICE

KATHERINE POLK FAILLA, District Judge:

Plaintiffs Tian Ma and Peng Liu, who are proceeding *pro se*, paid the filing fees to commence this action.

The Clerk of Court is directed to issue a summons as to Defendant Isabella Casillas Guzman, Administrator of the Small Business Administration. Plaintiffs are directed to serve the summons and complaint on Defendant within 90 days of the issuance of the summons. If within those 90 days, Plaintiffs have not either served Defendant or requested an extension of time to do so, the Court may dismiss the claims against Defendant under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

Plaintiffs Ma and Liu are advised, however, that they may not appear *pro se* on behalf of their restaurants, Kung Fu Noodle, Inc. and Grandma's Kitchen, Inc. Corporations, partnerships, and limited liability companies must be represented by counsel. *See Lattanzio v. COMTA*, 481 F.3d 137 (2d Cir. 2007) ("[W]e hold that a sole member limited liability company must be

represented by counsel to appear in federal court.”); *Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983) (noting that a corporation cannot proceed *pro se*). Moreover, as *pro se* litigants, Plaintiffs Ma and Liu cannot act on behalf of one another; they may act only on their own behalf. See *U.S. ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008) (“[A]n individual who is not licensed as an attorney may not appear on another person’s behalf in the other’s cause.” (internal quotation marks and citation omitted)). Plaintiffs should be mindful of these restrictions in determining how to proceed.

The Clerk of Court is directed to mail a copy of this Order to each Plaintiff, together with an information package.

SO ORDERED.

Dated: August 4, 2021
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge